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10/672,902	09/26/2003	Rami Caspi	2003P08213US	9178

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SIEMENS CORPORATION  
INTELLECTUAL PROPERTY DEPARTMENT  
170 WOOD AVENUE SOUTH  
ISELIN, NJ 08830

EXAMINER
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HOLLIDAY, JAIME MICHELE

ART UNIT	PAPER NUMBER
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2617

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PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

<b>Office Action Summary</b>	<b>Application No.</b> 10/672,902	<b>Applicant(s)</b> CASPI ET AL.
	<b>Examiner</b> JAIME M. HOLLIDAY	<b>Art Unit</b> 2617

**-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --**

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 12 August 2009.
- 2a) ☒ This action is **FINAL**.                      2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-21 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-21 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)            | 4) <input type="checkbox"/> Interview Summary (PTO-413)           |
| 2) <input type="checkbox"/> Notice of Draftperson's Patent Drawing Review (PTO-948)    | Paper No(s)/Mail Date. _____                                      |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____  | 6) <input type="checkbox"/> Other: _____                          |

***Information Disclosure Statement***

The information disclosure statement (IDS) submitted on October 26, 2009 has been considered by the Examiner and made of record in the application file.

***Response to Arguments***

Applicant's arguments with respect to claims 1-21 have been considered but are moot in view of the new ground(s) of rejection.

***Claim Rejections - 35 USC § 103***

The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

1. This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

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2. **Claims 1-9, 14-19 and 20** are rejected under 35 U.S.C. 103(a) as being unpatentable over **Stewart (US 6,643,516 B1)** in view of **Bhatia et al. (US 7,181,529 B2)**.

Consider **claim 1**, Stewart clearly shows and discloses a telecommunications system comprising: plurality of network clients including a positioning controller and a communications controller (a telephone system comprising a plurality of first telephones and a remote portable telephone including a position locator and a telephone exchange **16** [column 2, lines 25-32]), and positioning server configured to receive coordinates from said positioning controller (a centralized base station **17** with a transceiver for receiving location signals from a portable telephone that includes the position locator; GPS location detector; longitude and latitude coordinates [column 2, lines 53-55; column 7 lines 15-20]); positioning server includes a timer (wherein centralized base station includes a router which receives incoming location request signals and is capable of waiting a preselected time from receipt of location request signal [column 4, lines 53-65] wherein it is inherent that a timer is necessary for this process).

However, Stewart fails to disclose that the system uses a periodic timer.

In the same field of endeavor, Bhatia et al. clearly show and disclose positioning server includes a periodic timer (receipt of status SMS message triggers a timer in B2B engine; if timer expires, without B2B engine receiving any message [col. 12 line 55-col. 13 line 10]) for determining when said

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coordinates are to be received from associated ones of said plurality of network clients responsive to receiving indicia of a presence including user context of said associated ones such that said coordinates are received responsive to periodic expirations of the timer (B2B engine will assume mobile station is turned off; location information may be GPS information; ME sends a periodical status message; location update status message [col. 15 lines 24-40; lines 45 -50])).

Therefore, it would have been obvious to a person of ordinary skill in the art at the time the invention was made to have a periodic timer to update location status information as taught by Bhatia et al. in the system of Stewart, in order to provide the network with updated information on the mobile equipment or portable telephone.

Consider **claim 2**, Stewart, as modified by Bhatia et al., clearly shows and discloses the claimed invention **as applied to claim 1 above**, and in addition, Stewart further discloses positioning controller receives global positioning network signals for determining a position of an associated network client (the telephone system comprises a portable phone with a position locator, such as a GPS locator, thus making the locator capable of receiving of global positioning network signals for determining position [column 1, lines 50-54])).

Consider **claim 3**, Stewart, as modified by Bhatia et al., clearly shows and discloses the claimed invention **as applied to claim 2 above**, and in addition, Stewart further discloses communications controller comprises a

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cellular network controller for transmitting on a cellular telephone network to said server (the first telephones and the remote portable telephone could have cableless connections such as radio or satellite connections; the first telephone could also be a portable telephone, thus making the telephone exchange a cellular network system [column 4, lines 18 –25]).

Consider **claim 4**, Stewart, as modified by Bhatia et al., clearly shows and discloses the claimed invention **as applied to claim 1 above**, and in addition, Bhatia et al. further disclose wireless a system server sends one or more queries to an associated network client if a predetermined status message has not been received within a predetermined period as determined upon expiration said timer (a message can be sent by the B2B engine to any network node requesting subscriber status; interrogates the HLR at regular or periodic intervals to get the status and the location information of a subscriber [col. 18 lines 45-60]).

Consider **claim 5**, Stewart, as modified by Bhatia et al., clearly shows and discloses the claimed invention **applied to claim 4 above**, and in addition, Stewart further disclose predetermined status message comprises one or more identification signals (a centralized base station having a location identification means for determining the location of the calling one of the first telephones from a caller identification carried by the incoming signal [column 2, lines 56-59]).

Consider **claim 6**, Stewart, as modified by Bhatia et al., clearly shows and discloses the claimed invention **applied to claim 4 above**, and in addition, Bhatia et al. further disclose predetermined status message comprises one or more location-related update signals (location update status message [col. 15 lines 45 -50]).

Consider **claim 7**, Stewart clearly shows and discloses a telecommunications device comprising: positioning controller adapted to determine coordinates for said telecommunications device (a portable telephone comprises a position locator, which can determine location of the portable phone and generate a corresponding location signal; GPS location detector; longitude and latitude coordinates [column 2, lines 1-4; column 7 lines 15-20]), and wireless data controller adapted to receive said coordinates from said positioning controller and cause said coordinates to be transmitted to an associated server at predetermined intervals (a transceiver **46** [wireless data controller] connected to the antenna of the portable telephone, receives location signals from the GPS location detector **40**, and the transmits signal to the centralized base station, from which the location request code was received **216**; if the location request code requests location reports at predetermined time intervals, the processor **32** checks the timer and waits for predetermined time interval to elapse, then location from detector is transmitted to base station [fig. 2, column 5, lines 21-23; column 6, line 1, column 7, lines 15-20, 51-60, 65-67; column 8, lines 1-8]).

However, Stewart fails to disclose that the system uses a periodic timer.

In the same field of endeavor, Bhatia et al. clearly show and disclose wireless data controller adapted to receive said location coordinates from said positioning controller and cause said coordinates to be transmitted to an associated server at predetermined periodic intervals responsive to an activation with the associated server and upon expiration of a watchdog timer that begins a first count upon said activation (receipt of status SMS message triggers a timer in B2B engine; if timer expires, without B2B engine receiving any message; B2B engine will assume mobile station is turned off; location information may be GPS information; ME sends a periodical status message; location update status message [col. 12 line 55-col. 13 line 10; col. 15 lines 24-40; lines 45 -50]).

Therefore, it would have been obvious to a person of ordinary skill in the art at the time the invention was made to have a periodic timer to update location status information as taught by Bhatia et al. in the system of Stewart, in order to provide the network with updated information on the mobile equipment or portable telephone.

Consider **claim 8**, Stewart, as modified by Bhatia et al., clearly shows and discloses the claimed invention **as applied to claim 7 above**, and in addition, Stewart further discloses positioning controller receives Global Positioning System (GPS) signals to determine said coordinates (the portable



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telephone has a position locator such as a GPS receiver [column 1, lines 50-53; figure 2]).

Consider **claim 9**, Stewart, as modified by Bhatia et al., clearly shows and discloses the claimed invention **as applied to claim 7 above**, and in addition, Stewart further discloses wireless data controller is adapted to receive requests from said server to provide positioning information-related updates to said server (a portable telephone has a transceiver, connected to the antenna of the portable telephone, receives location signals from the GPS location detector, and the transmits signal to the centralized base station [column 5, lines 21-23; column 6, line 1; column 7, lines 51-60, figure 2]).

Consider **claim 14**, Stewart clearly shows and discloses telecommunications method comprising: receiving one or more location positioning signals at a wireless device (a method of communicating with a portable telephone; directing a location request signal to a position locator on the portable telephone, which can determine the location of the portable telephone and generate a corresponding location signal [column 3, lines 1-4, 30-35]); and transmitting coordinate updates from said wireless device via a wireless data network to a server, said server including a timer (transmitting the location signal from the portable device to the centralized base station, wherein centralized base station includes a router which receives incoming location request signals and is capable of waiting a preselected time from receipt of location request signal; GPS location detector; longitude and latitude coordinates. *It is inherent that a timer is necessary for this process*

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[column 3, lines 35-37; column 4, lines 53-65; column 7 lines 15-20; figure 4B]).

However, Stewart fails to disclose that the system uses a periodic timer.

In the same field of endeavor, Bhatia et al. clearly show and disclose transmitting coordinates updates from said wireless device via a wireless data network to a server, said server including a periodic timer for determining when said coordinates updates are to be received from said wireless device, said timer being activated responsive to a registration of said associated ones with said server, wherein said coordinates updates are to be received upon periodic expirations of the timer (receipt of status SMS message triggers a timer in B2B engine; if timer expires, without B2B engine receiving any message; B2B engine will assume mobile station is turned off; location information may be GPS information; ME sends a periodical status message; location update status message [col. 12 line 55-col. 13 line 10; col. 15 lines 24-40; lines 45 -50]).

Therefore, it would have been obvious to a person of ordinary skill in the art at the time the invention was made to have a periodic timer to update location status information as taught by Bhatia et al. in the system of Stewart, in order to provide the network with updated information on the mobile equipment or portable telephone.

Consider **claim 15**, Stewart, as modified by Bhatia et al., clearly shows and discloses the claimed invention **as applied to claim 14 above**, and in addition, Stewart further discloses receiving one or more positioning signals comprises receiving one or more signals from a global positioning network (a portable telephone with a position locator such as a GPS receiver. The GPS location detector uses signals from any series of positioning satellites to ascertain the geographical location of the portable telephone [column 1, lines 51-52; column 6, lines 4-7]).

Consider **claim 16**, Stewart, as modified by Bhatia et al., clearly shows and discloses the claimed invention **as applied to claim 14 above**, and in addition, Bhatia et al. further disclose wireless a system server sends one or more queries to an associated network client if a predetermined status message has not been received within a predetermined period as determined upon expiration said timer (a message can be sent by the B2B engine to any network node requesting subscriber status; interrogates the HLR at regular or periodic intervals to get the status and the location information of a subscriber [col. 18 lines 45-60]).

Consider **claim 17**, Stewart, as modified by Bhatia et al., clearly shows and discloses the claimed invention **applied to claim 16 above**, and in addition, Stewart further disclose predetermined status message comprises one or more identification signals (a centralized base station having a location identification means for determining the location of the calling one of the first

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telephones from a caller identification carried by the incoming signal [column 2, lines 56-59]).

Consider **claim 18**, Stewart, as modified by Bhatia et al., clearly shows and discloses the claimed invention **applied to claim 16 above**, and in addition, Bhatia et al. further disclose predetermined status message comprises one or more location-related update signals (location update status message [col. 15 lines 45 -50]).

Consider **claim 19**, Stewart clearly shows and discloses a telecommunications system comprising: plurality of network clients including a positioning controller and a communications controller (a telephone system comprising a plurality of first telephones and a remote portable telephone including a position locator and a telephone exchange **16** [column 2, lines 25-32]), and a positioning server configured to receive coordinates from said positioning controller (a centralized base station **17** with a transceiver for receiving location signals from a portable telephone that includes the position locator; GPS location detector; longitude and latitude coordinates [column 2, lines 53-55; column 7 lines 15-20]); positioning server includes a timer (wherein centralized base station includes a router which receives incoming location request signals and is capable of waiting a preselected time from receipt of location request signal [column 4, lines 53-65] wherein it is inherent that a timer is necessary for this process).

However, Stewart fails to disclose that the system uses a periodic timer.

In the same field of endeavor, Bhatia et al. clearly show and disclose wherein said coordinates are received at the positioning server responsive to periodic expirations of a watchdog timer, the watchdog timer initialized responsive to receiving indicia of a presence including user context of associated ones of the plurality of network clients (receipt of status SMS message triggers a timer in B2B engine; if timer expires, without B2B engine receiving any message; B2B engine will assume mobile station is turned off; location information may be GPS information; ME sends a periodical status message; location update status message [col. 12 line 55-col. 13 line 10; col. 15 lines 24-40, lines 45 -50]).

Therefore, it would have been obvious to a person of ordinary skill in the art at the time the invention was made to have a periodic timer to update location status information as taught by Bhatia et al. in the system of Stewart, in order to provide the network with updated information on the mobile equipment or portable telephone.

Consider **claim 20**, Stewart, as modified by Bhatia et al., clearly shows and discloses the claimed invention **applied to claim 19 above**, and in addition, Bhatia et al. further disclose wherein said positioning server includes watchdog timer (receipt of status SMS message triggers a timer in B2B engine [col. 12 lines 55-62]).

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3. **Claims 10-13** are rejected under 35 U.S.C. 103(a) as being unpatentable over **Stewart (US 6,643,516 B1)** in view of **McDowell et al. (US 2002/0035605 A1)**, and in further view **Bhatia et al. (US 7,181,529 B2)**.

Consider **claim 10**, Stewart clearly shows and discloses telecommunications server, comprising a timer for determining when coordinates is to be received from associated ones of plurality of users (a centralized base station with a transceiver, wherein the centralized base station includes a router which receives incoming location request signals and is capable of waiting a preselected time from receipt of location request signal [column 2, line 53; column 4, lines 53-65] wherein it is inherent that a timer is necessary for this process.)

However, Stewart does not disclose that the centralized base station includes a presence control unit and a location control unit.

In the same field of endeavor, McDowell et al. clearly show and disclose presence control unit adapted to receive and maintain presence information for a plurality of users (a computing platform [telecommunications server] that facilitates communications for wireless subscribers of a wireless network, comprising: a presence module that maintains data concerning network presence of the wireless subscribers [paragraph 34]) and location control unit adapted to receive and maintain coordinates for said plurality of users, said coordinates correlated with said presence information (a location proxy module that maintains location data concerning physical location of the wireless subscribers [paragraph 0034]).

Therefore, it would have been obvious to a person of ordinary skill in the art at the time the invention was made to provide a computing platform with a presence module, as well as a location proxy module as taught by McDowell et al. in view of Stewart, in order to receive and maintain presence and location information in a centralized base station.

However, Stewart fails to disclose that the system uses a periodic timer.

In the same field of endeavor, Bhatia et al. clearly show and disclose server includes a timer for determining when said coordinates are to be received from associated ones of said plurality of users, said periodic timer being activated responsive to a registration of said associated ones with said telecommunications server, such that said coordinates are received upon periodic expirations of the timer (after a power-on by the ME, the first message set is the STATUS message; receipt of status SMS message triggers a timer in B2B engine; if timer expires, without B2B engine receiving any message; B2B engine will assume mobile station is turned off; location information may be GPS information; ME sends a periodical status message; location update status message [col. 12 line 55-col. 13 line 10; col. 14 lines 66, 67; col. 15 lines 24-40; lines 45 -50]).

Therefore, it would have been obvious to a person of ordinary skill in the art at the time the invention was made to have a periodic timer to update location status information as taught by Bhatia et al. in the system of Stewart,

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as modified by McDowell et al., in order to provide the network with updated information on the mobile equipment or portable telephone.

Consider **claim 11**, the combination of Stewart and McDowell et al., as modified by Bhatia et al., clearly shows and discloses the claimed invention **as applied to claim 10 above**, and in addition, Bhatia et al. further disclose wireless a system server sends one or more queries to an associated network client if a predetermined status message has not been received within a predetermined period as determined upon expiration said timer (a message can be sent by the B2B engine to any network node requesting subscriber status; interrogates the HLR at regular or periodic intervals to get the status and the location information of a subscriber [col. 18 lines 45-60]).

Consider **claim 12**, the combination of Stewart and McDowell et al., as modified by Bhatia et al., clearly shows and discloses the claimed invention **applied to claim 11 above**, and in addition, Stewart further disclose predetermined status message comprises one or more identification signals (a centralized base station having a location identification means for determining the location of the calling one of the first telephones from a caller identification carried by the incoming signal [column 2, lines 56-59]).

Consider **claim 13**, the combination of Stewart and McDowell et al., as modified by Bhatia et al., clearly shows and discloses the claimed invention **applied to claim 11 above**, and in addition, Bhatia et al. further disclose



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predetermined status message comprises one or more location-related update signals (location update status message [col. 15 lines 45 -50]).

4. **Claim 21** is rejected under 35 U.S.C. 103(a) as being unpatentable over **Stewart (US 6,643,516 B1)** in view of **Bhatia et al. (US 7,181,529 B2)**, and in further view of **Watanabe et al. (US 2003/0013444 A1)**.

Consider **claim 21**, and **as applied to claim 19 above**, the combination of Stewart and McDowell et al., as modified by Bhatia et al., clearly shows and discloses the claimed invention except that the plurality of clients includes a watchdog timer.

In the same field of endeavor, Watanabe et al. clearly show and disclose plurality of network clients includes said watchdog timer (When the periodic location registration timer expires, a location registration request is sent to the base station, and settings for a location area are made based on the mobile terminal status information sent from the mobile terminal [paragraph 36]).

Therefore, it would have been obvious to a person of ordinary skill in the art at the time the invention was made to have a periodic timer to update location information as taught by Watanabe et al. in the system of Stewart, as modified by Bhatia et al., in order to provide the server with updated information on the mobile unit or portable telephone.

***Conclusion***

1. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to JAIME M. HOLLIDAY whose telephone number is (571)272-8618. The examiner can normally be reached on Monday through Friday 7:30am to 4:00pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Charles Appiah can be reached on (571) 272-7904. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Jaime M Holliday/  
Examiner, Art Unit 2617

/Charles N. Appiah/  
Supervisory Patent Examiner, Art Unit 2617